

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

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|----------------------------------|---|------------------------|
| HOWARD T. COOK, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 4:05-CV-00047 |
| v. |) | |
| |) | ORDER |
| JO ANNE B. BARNHART, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

On September 19, 2005, this Court entered an *Order* [7] referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The Magistrate Judge filed his *Report and Recommendation* [21] on April 28, 2006. After a careful review of the entire record in this case and no objections having been filed to the Magistrate Judge's *Report* within ten (10) days of its service upon the parties, this Court adopts the Magistrate Judge's *Report* in its entirety. Accordingly, it is this day ADJUDGED and ORDERED as follows:

1. The *Report and Recommendation* of the United States Magistrate Judge, filed April 28, 2006, shall be, and hereby is, adopted in its entirety.
2. For the reasons stated in the Magistrate Judge's *Report*, the Commissioner's final decision is hereby **REVERSED**, and this case is hereby **REMANDED** to the Commissioner for further proceedings.
3. The clerk is directed to strike this case from the active docket of this Court and to send certified copies of this *Order* to all counsel of record and to Magistrate Judge B. Waugh Crigler.

ENTERED this 23rd day of May, 2006.

s/Jackson L. Kiser

Senior United States District Judge